

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

BERNARD HAYES, #356161

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:12cv215-JMR

**RICKY WOODS; MATTHEW GARRIGA;
and KAREN JOHNSON**

DEFENDANTS

JUDGMENT

This matter is before the Court pursuant to the Motion [40] for Summary Judgment filed by the Defendants, pursuant to Federal Rules of Civil Procedure 56. Also pending before the Court are the defendants' motions to Dismiss for Lack of Prosecution [43], or in the alternative, to show cause and for Extension of Time to Complete Discovery [44] and Supplement Summary Judgment motion, if necessary and Bernard Hayes' Motion for Subpoenas [45]. Pursuant to the Memorandum Opinion entered in this cause, this date, incorporated herein by reference, it is therefore,

ORDERED that the Defendants' Motion for Summary Judgment [40] be, and is hereby, granted. It is further,

ORDERED that all claims advanced against the Defendants pursuant to 42 U.S.C. § 1983, whether advanced against them in their individual or official capacities be, and are hereby, dismissed with prejudice.

ORDERED that all claims advanced against the Defendants pursuant to state law, whether advanced against them in their individual or official capacities be, and are hereby, dismissed with prejudice. It is further,

ORDERED that the Defendants' motions to Dismiss for Lack of Prosecution [43] and for Extension of Time to Complete Discovery [44] and Hayes' Motion for Subpoenas [45] be, and

are hereby, dismissed as moot. It is further,

ORDERED that each party bear their respective costs associated with this motion. The Clerk is directed to mail a copy of the Memorandum Opinion and this Judgment to the Plaintiff at his last known address by certified mail, return receipt requested.

SO ORDERED, this the 1st day of November, 2013.

s/ John M. Roper, Sr.
CHIEF UNITED STATES MAGISTRATE JUDGE